



OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Mayor John F. Cook

FROM: Elaine S. Hengen
Senior Assistant City Attorney

SUBJECT: Summary of Proposed Changes to the Interlocal Agreement
City of El Paso, County of El Paso, El Paso County Hospital District
El Paso Mental Health and Mental Retardation Center (EPMHMR)

DATE: December 22, 2010

The County of El Paso and the El Paso County Hospital District have proposed that revisions be made to the Interlocal Agreement between the City, the County and the Hospital District that created the El Paso Mental Health and Mental Retardation Center in 2001. Below is a summary of the proposed changes.

Changes to the Board of Trustees

- Reduces the number of board trustees from nine to seven. The terms of the existing trustees will terminate on a date yet to be determined, whereupon the new seven-member board will be seated.
- Each entity will appoint two trustees; one trustee (as allowed by Section 534.003(b), Health and Safety Code) may be a member of the entity's governing body.
- The seventh trustee will be nominated by the Mayor, County Judge and the Chair of the Hospital District Board of Managers, and then approved by all three entities; this trustee must either be a consumer of mental health services or a family member of a consumer of mental health or mental retardation services, but shall not obtain such services through EPMHMR.
- Terms will be for two-years, but the initial terms of the new trustees will be staggered.

Changes to the method of appointment of Trustees

- Vacancies on the board will be filled by a process developed and operated by the three entities, rather than by EPMHMR.
- The entities will not be required to use a screening committee for the selection process.

Changes to the method of removal of Trustees

- Adds a provision allowing a member who is subject to removal by the Board of Trustees to have an open hearing before the Board if he so desires.
- Adds a provision that in the event that the Board of Trustees fails to remove a member for cause as defined in the Interlocal, the appointing entity may do so.

Changes to the budget, funding, audit and reporting provisions

- Requires each entity to contribute not less than \$100,000 per fiscal year to EPMHMR, and eliminates the references to the local match.
- Provides that in-kind contributions must be reflected through contracts with EPMHMR.
- Requires each entity to produce a report of their annual contributions within 30 days of the close of each fiscal year and provide that report to the other entities and EPMHMR.
- Requires that EPMHMR must provide copies of meeting minutes, present its annual audit to each entity within 30 days of the completion of the audit, and make a semi annual report to each entity during one of the entity's public meetings.